

RECEIVED CLERK
FILED
2004 DEC 29 P 10:38

Brent O. Hatch (5715)
Mark F. James (5295)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Stephen N. Zack (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
Bank of America Tower – Suite 2800
100 Southeast Second Street
Miami, Florida 33131
Telephone: (305) 539-8400
Facsimile: (305) 539-1307

Attorneys for The SCO Group, Inc.

Robert Silver (admitted pro hac vice)
Edward Normand (admitted pro hac vice)
Sean Eskovitz (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.

Plaintiff/Counterclaim-
Defendant,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-
Plaintiff.

**EX PARTE MOTION FOR LEAVE
TO FILE OVER-LENGTH REPLY
MEMORANDUM**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke Wells

Plaintiff/Counterclaim-Defendant The SCO Group, Inc. ("SCO") hereby moves the Court pursuant to District Court Rule 7-1(e) for leave to file an overlength Reply Memorandum in Further Support of SCO's Motion for Leave to File a Third Amended Complaint Pursuant to Federal Rule of Civil Procedure 15(a) and 16(b).

368

As SCO must address multiple issues and explain and place those issues in context for the Court, SCO respectfully requests leave to file an over-length memorandum. SCO's Reply Memorandum is approximately 18 pages in length, inclusive of the title page. SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary to fully address the issues.

DATED this 29th day of December, 2004.

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.
Brent O. Hatch
Mark F. James

BOIES, SCHILLER & FLEXNER LLP
Robert Silver
Stephen N. Zack
Edward Normand
Sean Eskovitz

By 
Counsel for The SCO Group, Inc.

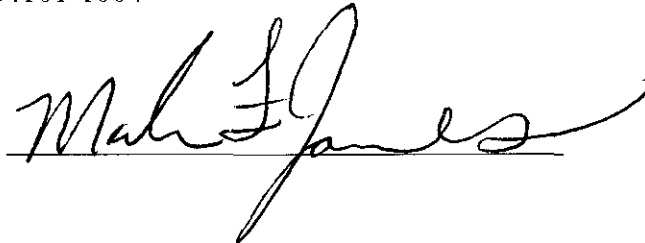
CERTIFICATE OF SERVICE

Plaintiff/Counterclaim Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing Plaintiff's Ex Parte Motion for Leave to File Overlength Reply Memorandum in Further Support of SCO's Motion for Leave to File a Third Amended Complaint Pursuant to Federal Rule of Civil Procedure 15(a) and 16(b) was served by mail on Defendant International Business Machines Corporation on the 29th day of December, 2004, by U.S. Mail to:

David Marriott, Esq.
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019

Donald J. Rosenberg, Esq.
1133 Westchester Avenue
White Plains, New York 10604

Todd Shaughnessy, Esq.
Snell & Wilmer LLP
1200 Gateway Tower West
15 West South Temple
Salt Lake City, Utah 84101-1004

A handwritten signature in black ink, appearing to read "Mark E. Jones", is written over a horizontal line.